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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,153	07/31/2003	David P. Peckham	3573.1000-000	2228

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER

TRIEU, VAN THANH

ART UNIT PAPER NUMBER

2636

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,153

Applicant(s)

PECKHAM ET AL.

Examiner

Van T Trieu

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 7 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by **Subulak et al** [US 4,313,110].

Regarding claim 1, the claimed an apparatus for temporary disabling an alarm system, the system formed of one or more alarm units, the apparatus comprising: a switch coupled to a main power line carrying power from an external power source to the alarm system (the contact switch S2, see Fig. 1, col. 2, lines 42-62); and the actuator coupled to the switch and responsive to user operation by changing the switch from a first position to a second position for a predetermined length of time such that power discontinues to flow across the main power line to the alarm system and disables the alarm system for the predetermined length of time (pulling of the pull chain 12 to open the contact switch S2 for temporarily disable the alarm 10, see Fig. 1, col. 3, lines 58-65); and after the predetermined length of time, the switch changes to a position that returns flow of power between the main power line and the alarm system (after the predetermined timing time the contact switch S2 returns to close the contact to provide power to the alarm 10, see Fig. 1, col. 3, lines 65-68 and col. 3, lines 1-5).

Regarding claim 2, the claimed two or more alarm units (the alarms, see col. 2, lines 14-19).

Regarding claim 3, all the claimed subject matters are cited in respect to claim 1 above, see Fig. 1.

Regarding claim 4, all the claimed subject matters are cited in respect to claim 3 above, see Fig. 1, col. 3, lines 9-55).

Regarding claim 7, all the claimed subject matters are cited in respect to claim 1 above.

Regarding claim 11, all the claimed subject matters are cited in respect to claims 4 and 7 above.

Regarding claim 12, all the claimed subject matters are cited in respect to claim 11 above.

Regarding claim 13, all the claimed subject matters are cited in respect to claim 1 above.

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Regarding claim 14, all the claimed subject matters are cited in respect to claim 13 above, and including the switch S2, see Fig. 1.

Regarding claim 15, all the claimed subject matters are cited in respect to claims 3 and 13 above.

Regarding claim 16, all the claimed subject matters are cited in respect to claim 15 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Subulak wt al** [US 4,313,110] in view of **Todd** [US 4,818,748]

Regarding claim 5, the claimed the relay coupled to the main power (the relay C3, see Fig. 1, col. 2, lines 42-60); and the transistor coupled to the relay (the transistor Q1, see Fig. 1); but **Subulak et al** fails to disclose the capacitor electrically coupled to the transistor, the capacitor being responsive to the actuator such that user operation of the actuator charges the capacitor, the charged capacitor providing current to the transistor and enabling the transistor to open the relay on the main power line for the predetermined length of time until a threshold amount of charge is bled from the capacitor. However, **Subulak et al** teach that the timing function of the circuit is determined by the value of capacitor C1 and resistor R2, R3 and R4, which are adjusted by a rotary switch S1 to select a predetermined time for deactivating the alarm 10 and returning to activate after that predetermined time period, see Fig. 1, col. 3, lines 21-68 and col. 4, lines 1-5. Todd suggests that a smoke detector is provided with a manually actuate control, which operates with the smoke detector circuit temporarily desensitize the smoke detector and later to automatically re-sensitize the smoke detector circuit after expiration of a predetermined time interval. The predetermined time interval is selected by the magnitude of the capacitor 318 and the fourth external resistor 320, wherein the capacitor 318 is charged to activate the momentary contact switch 322 at t1, and the capacitor 318 will begin discharging exponentially causing a time delay, see Figs. 2-5, col. 2, lines 25-46 and col. 11, lines 12-50. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the

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charged capacitor of **Todd** for the capacitor of **Subulak et al** for automatically setting a predetermined time without manually adjusting or changing their values, which makes easier to use by a customer or user.

Regarding claim 6, all the claimed subject matters are discussed between **Subulak et al** and **Todd** in respect to claim 5 above.

Regarding claim 7, all the claimed subject matters are discussed between **Subulak et al** and **Todd** in respect to claims 1 and 5 above.

Regarding claim 8, all the claimed subject matters are discussed between **Subulak et al** and **Todd** in respect to claims 5 and 7 above.

Regarding claim 9, all the claimed subject matters are discussed between **Subulak et al** and **Todd** in respect to claim 8 above.

Regarding claim 10, all the claimed subject matters are discussed between **Subulak et al** and **Todd** in respect to claim 8 above.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Scripps discloses a detector assembly is connectable to a power line and a switch.

The detector includes a code responsive controller, which operates in response to a plurality of power transitions occurring within a predetermined time period to deactivate a detector alarm for a determined delay period by a wall switch. After a predetermined time period the switch is automatically moves back to its normal position to reconnect the alarm. [US 5,432,500]

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal flourish extending to the right.

Van Trieu
Primary Examiner
Date: 12/12/04